

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

January 23, 2004 LB 304

kind of a standard should we require with regard to police officers? As a police officer faces investigation or interrogation, should a police officer be protected more or less or the same as any other person in society who is being interrogated for wrongdoing of one type or another? And in that regard, I think you can argue that the...there are three different arguments, obviously: that they should be held to exactly the same standard; others would say, and I'm sure Senator Chambers would say, these are people we are counting on to be the cleanest, best-acting people in our society, and they should be held to a higher standard, like the judges, as he pointed out; or maybe there are some who think that police officers should be held to a lower standard, which would be the other alternative. In that regard, I have a tendency to side with Senator Chambers. The second major question, to me, is whether this should be done by contract or by statute. And in that regard, I tend to side with Senator Synowiecki. And I would like to hear more from him on that question, but I tend to think that it should be done by statute, because if one police officer someplace in this state deserves that right, so should all of them. Whatever standard you agree upon, it should be applicable, it seems to me, to all. But that's going to be the second major question, whether you want to do this all together or whether you want to do it by contractual negotiations piece by piece. And then the third major question--and I don't think we've talked about this at all; I'm going to ask Senator Synowiecki what his intent is in this regard, but I think it's also an important one to think about, because this is an area that just drives the public crazy. We are setting up here a set of procedures that are required to be followed. And sometimes in the law, with respect to criminal investigations, for example, if you do not follow the procedures, the evidence that is derived from that investigation can be suppressed and not used and not available at a trial. And it drives the public crazy because they perceive that someone who is actually guilty gets off on some sort of procedural loophole. So the first question that I wanted to address to Senator Synowiecki is simply this: In the event, Senator, that any of these procedures are not followed--and you can hypothesize that they're not followed intentionally, or they're not followed, probably more likely, by accident, by lack of knowledge of the statute,